

Policy and Procedures

ICN 9365

Title: Privacy Policy

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Summary: This Privacy Policy will provide staff of BACHS information about the types of personal information that is collected, why it is collected and how it is handled and stored.

Replaces

Classification: Corporate

Functional Group:

Endorsement Date: 30th January 2023

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Applies to: All staff, Board Members and Contractors

National Standard that this P&P applies to:

Approved by: BACHS Board

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1. PRIVACY POLICY SUMMARY

- 1.1 Bourke Aboriginal Corporation Health Service (BACHS, we, us, our) take privacy very seriously.
- 1.2 Our Privacy Policy outlines the types of personal information that we collect, why we collect it, how we handle it and how we store it.
- 1.3 We collect different types of personal information depending upon how we engage with you. It is collected from various different sources including directly from you (e.g. when you engage our services, become a member or apply to work with us) and from outside sources and third parties (e.g. when we contact a referee).
- 1.4 The primary purpose for which we collect personal information from you is to best manage our relationship with you and/or provide you with our services. We may also collect your personal information for reasons associated with these primary purposes. We will only use your personal information if we have a lawful reason to do so.
- 1.5 The security of your personal information is very important to us, and we have systems in place to protect the personal information we hold. We securely store the personal information that we collect.
- 1.6 To access or update your personal information or make a complaint in relation to BACHS's Privacy Practices, please contact the Deputy Chief Executive Officer or in lieu the Chief Executive Officer. Deputy Chief Executive Officer John Fetuani contact details include email address JohnF@bachs.org.au and or 02 6872 3088.

2. COMMENCEMENT OF POLICY

- 2.1 This Privacy Policy (Policy) commences from 28 October 2022. The policy related to BACHS and, where relevant, operates in conjunction with other policies relating to privacy and the disclosure of Personal Information and the contract of employment, or contract for services.

3. SCOPE

- 3.1 This Policy applies to all of BACHS' prospective, current, and former employees, volunteers, contractors, and its clients.
- 3.2 This Policy does not form part of any person's contract of employment, agreement, or contract for services.

4. LEGISLATIVE REFERENCES

- The Privacy and Personal Information Protection Act 1988
- Privacy Protection Principles
- Health Records and Information Privacy Act 2002

5. PURPOSE

- 5.1 The purpose of this policy is to:
- a. provide for the fair collection and handling of Personal Information;
 - b. ensure that Personal Information we collect is used and disclosed for Relevant Purposes only;
 - c. protect the confidentiality of Personal Information through appropriate storage and security;
 - d. regulate access to and correction of Personal Information.

6. DEFINITIONS

- 6.1 In this Policy, the following terms are defined as:
- a. 'Personal Information' refers to information or an opinion about employees, volunteers, contractors or clients from which an individual's identity can reasonably be ascertained. This includes any personal information or opinions about the person, whether true or not, no matter how the information or opinions are recorded. BACHS only collects Personal Information that it needs for a Relevant Purpose.
 - b. 'Sensitive Information' is a special category of Personal Information and includes information about a person's health (such as COVID-19 vaccination status or medical exemption information), a person's attendance at BACHS clinic, race, or ethnic origin, political or religious beliefs, membership of a trade union or association, sexual preference or criminal record. BACHS will not disclose a person's Sensitive Information without the person's consent, unless there is a need to disclose such information in accordance with Privacy Act or to comply with any other legislation.
 - c. 'Employment Records' is a record of Personal Information relating to the employment of the employee or a former employee. This may include health information; the engagement, training, disciplining or resignation of the employee; the termination of

employment of the employee; the terms and conditions of employment; the employee's personal and emergency contact details; leave records; taxation, superannuation or banking details; and the employee's salary or wages.

- d. 'Record of registered tradesperson (Contractors)' is a record held for contractors registered to deliver services for BACHS. Examples of Personal Information relating to a Contractor include business registration, qualifications, insurance coverage, invoices and payments.
- e. 'Relevant Purpose' is a purpose related to a person's interaction or engagement with BACHS whether it be prospective, current or retrospective. Examples of a Relevant Purpose include but are not limited to, medical information and history, employee management matters, consulting, counselling, engagement of services or providing services.
- f. 'Confidential Information' includes (but is not limited to) the following, BACHS': trade secrets; intellectual property; confidential know-how; policies, systems and protocols; information about the business and its affairs such as pricing and fee information, marketing or strategic plans, commercial and business plans, financial information and data, and operational information and methods; methodologies and supporting documentation; software products, manuals and associated tools; commercial information in relation to current and prospective operations; information about suppliers, dealers, clients or customers such as their specific requirements, arrangements and past dealings; client lists, supplier lists, dealer lists; customer, client and supplier lists; business cards and diaries, calendars or schedulers; reports; working papers; training manuals; equipment; computer information and programs; Personal and financial information of which an individual or entity becomes aware, and all other information obtained from BACHS or obtained in the course of an individual's employment or engagement with BACHS that is by its nature confidential.

7. METHOD OF COLLECTION

- 7.1 The main way that we collect Personal Information is when we ask a person to give it to us.
- 7.2 Personal Information and Sensitive Information, may be collected from:
 - a. prospective employees;
 - b. employees;
 - c. volunteers;
 - d. contractors;
 - e. agencies; and

- f. clients (or members).
- 7.3 Personal information will only be collected where it is reasonably necessary for one or more of our functions or activities.
- 7.4 We only collect Personal Information about an individual by fair and lawful means and only if the information is necessary for one or more of BACHS's functions and collection of the Personal Information is necessary to:
- a. provide appropriate services to both patients, employees and other stakeholders;
 - b. comply with the provisions of state or commonwealth law;
 - c. provide data to government agencies in compliance with state or commonwealth law;
 - d. lawfully liaise with a nominated representative; or
 - e. to contact an emergency contact if requested or needed.
- 7.5 Examples of the types of Personal Information that we may collect include:
- a. Health records and related personal health information
 - b. Employment Records and Contractor Records;
 - c. general identification information such as name, occupation, date of birth, gender;
 - d. contact details such as address, email address, mobile phone number;
 - e. educational qualifications, employment history, referee report;
 - f. financial information such as credit card and bank account details;
 - g. visa or work permit status and related information;
 - h. communications between us and you.
- 7.6 We only collect Sensitive Information about an individual if the collection of the information is reasonably necessary for or directly related to one or more of our functions and:
- a. you have consented to the collection of this information; or
 - b. the collection of the information is required or authorised by or under an Australian law or a court/tribunal order; or
 - c. a permitted general situation exists in relation to the collection of the information; or
 - d. a permitted health situation exists in relation to the collection of the information; or
 - e. the information relates to our activities.
- 7.7 Where Personal Information is collected from an entity, we consider it is that entity's responsibility to ensure they are entitled to disclose that information for our perusal in accordance with our Privacy Policy, without us taking any additional steps.

8. UNSOLICITED INFORMATION

- 8.1 If we receive Personal Information from an individual or entity that we have not solicited and we could not have obtained the information by lawful means, we will destroy or de-identify the information as soon as practicable and in accordance with the law.

9. PROSPECTIVE EMPLOYEES

Information collected

- 9.1 BACHS collects Personal Information from job applicants and candidates in the recruitment process.
- 9.2 The collection of Personal Information about job applicants may be obtained from a third-party source, such as a recruitment agency.
- 9.3 If a prospective employee seeks access to and/or correct their Personal Information held by BACHS, they should contact the Deputy Chief Executive.

10. USE AND DISCLOSURE OF PERSONAL INFORMATION

- 10.1 We only use Personal Information (including Sensitive Information) for reasons related to the proper operation of our business, a client's medical requirements, a person's interaction with BACHS or a person's employment. Reasons include:
- a. to provide services to our clients;
 - b. to comply with legal and work, health and safety requirements including Public Health Orders and our own requirements in relation to COVID-19 vaccinations;
 - c. to maintain contact with our clients and other contacts and keep them informed of or services or other events;
 - d. for administrative purposes including processing payment transactions, charging, billing, and identifying breaches of our terms and conditions of engagement;
 - e. for purposes relating to the employment or engagement of our workers, including recruitment processes such as contacting referees, assessment of suitability, background checks, and workforce management;
 - f. for governance and compliance purposes including meeting any legal requirements;

misuse, interference, loss, from unauthorised access, modification or disclosure.

- 13.2 We store emails and personal information with third-party data service providers. We ensure that these service providers comply with the Privacy Act or are subject to laws or schemes that provide similar standards and protections.
- 13.3 BACHS also keeps records of all its employees, volunteers and contractors in a secure storage area. Records of previous employees, volunteers, contractor, or clients are archived and stored in a locked service away from general use. All records shall only be used for the purpose it was intended. An individual or their representative can request access to records relating to them, as requested and after consultation with the Deputy Chief Executive.
- 13.4 Our security measures include, but are not limited to:
- a. training our staff on their obligations with respect to your Personal Information;
 - b. use of passwords when accessing our data storage system;
 - c. the use of firewalls and virus scanning tools to protect against unauthorised interference and access.

14. BREACHES OF THIS POLICY

- 14.1 A breach of this Policy by an employee may lead to disciplinary action including, but not limited to, termination of employment.
- 14.2 A breach of this Policy by an independent contractor may lead to, but not limited to the termination of the contractor's agreement.
- 14.3 A breach of this policy by a volunteer may lead to the relationship ending.

15. AMENDMENTS OF THIS POLICY

- 15.1 BACHS reserves the right to vary, replace or terminate this policy from time to time.

16. COMPLAINTS AND GRIEVANCE PROCEDURES

- 16.1 If you wish to make a complaint about the way we have managed your Personal Information you may make that complaint verbally or in writing by setting out the details of your complaint to the:

Deputy Chief Executive Officer

Phone: 02 6872 3088

- 16.2 Alternatively, if you remain dissatisfied, complaints may also be referred to the Australian Information Commissioner. The Australian Information Commissioner receives complaints under the Act. Complaints can be made:
- a. online <http://www.oaic.gov.au/privacy/making-a-privacy-complaint>; or
 - b. email enquiries@oaic.gov.au;
 - c. by phone (1300 363 992); or
 - d. fax (02 9284 9666); or
 - e. in writing to the address below:
Office of the Australian Information Commissioner
GPO Box 5218 Sydney NSW 2001

17. HOW WE WILL DEAL WITH YOUR COMPLAINT

- 17.1 The complaint will be investigated by us in accordance with our internal procedures and processes.
- 17.2 You may be invited to participate in a conference by the person conducting the investigation. At the discretion of the Deputy Chief Executive, other interested parties may also be invited to participate in the conference to discuss the nature of the complaint and attempt to resolve it. This may include the presence or participation of a support person or advocate for the complainant.
- 17.3 You will be provided with a response to your complaint within a reasonable timeframe after completion of any investigation. This response will be in writing and will include the outcome of the investigation, any proposed action and details of the right to lodge a complaint with any relevant external organisations.

18. DEPUTY CHIEF EXECUTIVE

- 18.1 The Deputy Chief Executive manages and administers all matters relating to protecting the privacy of individual's Personal Information.
- 18.2 The Deputy Chief Executive can be contacted if any relevant person wishes to obtain more information about any aspect of this policy or about the way in which we operate to protect the privacy of individual's Personal Information.
- 18.3 As stated above, complaints may also be made to the Deputy Chief Executive if any person

suspects we have breached this Privacy Policy, the Australian Privacy Principles or they are otherwise unhappy with the management of their Personal Information or if they are responsible for another person, that person's Personal Information.

19. RELATED POLICIES AND DOCUMENTATION

- BACHS Code of Conduct

YOUR PRIVACY IS OUR CONCERN

- When we provide health care, we collect information about you and your health.
- Privacy laws allow doctors, nurses and other staff involved in your care, to access your information. This includes staff who treat you.
- All staff, Directors and contractors must comply with strict rules. These are set out in NSW privacy laws (Act 1998).
- We securely store your information. In the unlikely event of a breach of your data, your GP is obligated to notify you as soon as possible.
- If you would like more information, speak to the Practice Manager